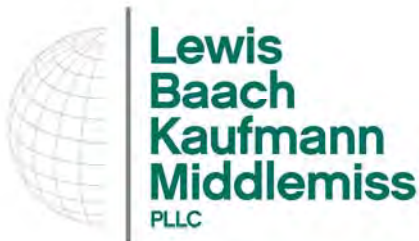


EXHIBIT C



John W. Moscow
212 822 0164
john.moscow@lbkmlaw.com

July 7, 2021

VIA FEDEX

American Express Subpoena Response Unit
c/o C T Corporation System
28 Liberty Street
New York, NY 10005

Re: *In re Application of Makhpal Karibzhanova for Judicial Assistance Pursuant to 28 U.S.C. § 1782, S.D.N.Y. No. 21-mc-442 (KPF)*

To Whom It May Concern:

Enclosed please find a subpoena for customer records, issued pursuant to the June 15, 2021 order of Judge Katherine Polk Failla in Case No. 21-mc-00442 in the U.S. District Court for the Southern District of New York. The return date on the subpoena is **July 23, 2021**.

Thank you for your attention to this matter. Please feel free to contact me with any questions or concerns. In addition, please copy lauren.skala@lbkmlaw.com on any correspondence and electronic document production.

Very truly yours,

A handwritten signature in blue ink that reads 'John W. Moscow'. Below the signature, the name 'John W. Moscow' is printed in a black, sans-serif font.

John W. Moscow

UNITED STATES DISTRICT COURT

for the

Southern District of New York

IN THE MATTER OF THE APPLICATION OF
 MAKHPAL KARIBZHANOVA FOR JUDICIAL
 ASSISTANCE PURSUANT TO 28 U.S.C. §
 1782

Civil Action No. 21 Misc. 442 (KPF)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: American Express Subpoena Response Unit

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attachment A.

Place: Lewis Baach Kaufmann Middlemiss PLLC
 The Chrysler Bldg, 405 Lexington Avenue, 64th Floor
 New York, NY 10174 lauren.skala@lbkmlaw.com

Date and Time:

July 23, 2021 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: July 7, 2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ John W. Moscow

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Applicant
 Makhpal Karibzhanova, who issues or requests this subpoena, are:

John W. Moscow, 405 Lexington Ave, 64th Fl, New York, NY 10174 john.moscow@lbkmlaw.com (212) 822-0164

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 21 Misc. 442 (KPF)

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A

INSTRUCTIONS

The following instructions (as well as the requirements of Rule 34 of the Federal Rules of Civil Procedure and the applicable Local Rules) apply to these Document Requests:

1. You should produce any and all documents requested as they are kept in the ordinary course of business and You should produce or identify the file or sub-file in which the responsive document was located.

2. All grounds for an objection to a Request should be stated with specificity.

3. If a Request is objected to, please state as clearly as possible whether documents are being produced in response to the Request, or whether documents facially responsive to the Request are being withheld or not being searched for. If documents facially responsive to the Request are being withheld or not being searched for, please indicate clearly and specifically the nature of those documents.

4. In responding to these Requests, You should produce all responsive electronic mail or messages (“e-mail”), either in hard copy or electronic format, including any e-mail that has been deleted from a workstation but still can be retrieved from a server, or any archive, including the archive for a workstation or a server, or any backup tape, including the backup tape for any workstation or server.

5. Whenever any document is or would have been required to be produced pursuant to these Requests and that document has been destroyed or lost, has been given to another person not now subject to Your control, or otherwise cannot be produced, set forth the contents of the document, the date of destruction, loss, or other disposition, the name of the person who ordered or authorized such destruction, loss, or disposition or otherwise has knowledge thereof, identify the document fully, and produce any other documents concerning the destroyed document,

including without limitation all documents that refer to the destroyed document.

CLAIMS OF PRIVILEGE

If any of the Requests herein are objected to, whether in whole or in part, on the grounds that the information sought is privileged, You are requested to produce those portions of such documents and/or information as to which no privilege is claimed. With respect to each document or portion of a document or item of information for which privilege is claimed:

- a. identify the privileged document or information;
- b. state the general subject matter of the document;
- c. state the date, addressee or recipient(s) including, but not limited to, any cc's or bcc's, the author or initiator of such document or information, and any other person that reviewed, or had an opportunity to review, the document or information;
- d. state specifically the exact privilege claimed, together with such facts as will enable the Court to determine the merit of the claim of privilege.

DEFINITIONS

The full text of the definitions and rules of construction set forth in Local Civil Rule 26.3 paragraphs (c) and (d) is incorporated by reference into these Document Requests. In addition, “You” or “Your” shall mean American Express Company and its numerous subsidiaries and affiliates, including American Express International, Inc. (collectively, “AMEX”), as well as any other person or entity directly or indirectly subject to their respective control and/or purporting to act on their behalf.

DOCUMENT REQUESTS

You are requested to produce for inspection and copying the following documents from the files in your possession, custody or control that were generated, forwarded or received between January 1, 2014 and the present.

For the following AMEX customers, and all other cardholders linked to those customers' accounts, please produce (1) all monthly or periodic billing statements, (2) all account membership/KYC forms and information, and (3) all records of payments you have received to pay for all charges linked to any such accounts, including the source of such payments (bank, account name, account number).

1. Aidan Karibzhanov

a. Card No.: [REDACTED]

b. Member since: [REDACTED]

2. Makhpal Karibzhanova

a. Card No.: [REDACTED]

b. Member since: [REDACTED]

3. Jasmin Karibzhanova